

Appl. No. 10/565,388  
Amdt. dated Mar. 1, 2007  
Reply to Office action of Dec. 1, 2006

**REMARKS**

Claims 3 and 4 are presently in the application. Claims 1 and 2 have been canceled.

Claims 3 and 4 have been rejected under 35 U.S.C. 101 as claiming the same invention as that of co-pending application No. 10/565,561.

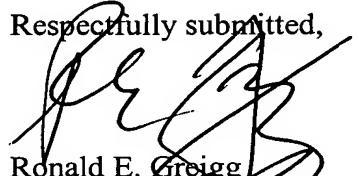
The test for double patenting under 35 U.S.C. 101 is whether the claim in one of the applications could be literally infringed without literally infringing a corresponding claim in the other application. See MPEP 804.

Claim 3 in the present application calls for the direction of the opening movement of the movable valve member coinciding with the direction of fuel flowing out of the control chamber. Claim 3 of application No. 10/565,561 (R.305745) calls for the direction of the closing motion of the movable valve part matching the direction of fuel flowing out of the control chamber. Obviously, claim 3 in the present application could be literally infringed without literally infringing claim 3 in application No. 10/565,561 (R.305745). Therefore, the claims of the present application are not claiming the same invention as that claimed in application No. 10/565,561.

Withdrawal of the rejection is requested.

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Entry of the amendment and allowance of the claims are respectfully requested.

Respectfully submitted,  
  
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